

JEFFREY W. HANSEN, OSB #923290
Email: jhansen@smithfreed.com
JOSEPH A. ROHNER IV, OSB #064919
Email: jrohner@smithfreed.com
SMITH FREED & EBERHARD PC
111 SW 5th Avenue, Suite 4300
Portland, Oregon 97204
Telephone: (503) 227-2424
Facsimile: (503) 227-2535

Of Attorneys for Defendant Infantino, LLC

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON
EUGENE DIVISION

LISA COCHRAN, Personal Representative of
the Estate of Derrik Fowler, LISA
COCHRAN, individually, and JERRID
FOWLER,

Case No.6:10-CV-06016-TC

Plaintiffs,
vs.

DEFENDANT STEP 2 HOLDINGS LLC'S
MOTION TO DISMISS OR IN THE
ALTERNATIVE MOTION FOR A MORE
DEFINITE STATEMENT

INFANTINO, LLC; JOHN DOES
DISTRIBUTORS and WHOLESALERS;
STEP 2 HOLDINGS, LLC; MICHAEL
PARNESS; BRIDGET WEISS; MICHAEL
SILBERSTEIN; MARK SILBERTSEIN; and
BURLINGTON COAT FACTORY OF
OREGON, LLC.

REQUEST FOR ORAL ARGUMENT

Defendants.

LR 7.1(a) CERTIFICATION

Counsel for Step 2 Holdings LLC ("Step 2") hereby certifies that they have conferred through telephone conference with Brian Whitehead, counsel for Plaintiffs, regarding this motion. The parties conferred in an effort to resolve this dispute and have been unable to do so.

MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(2), and without waiving any defense, affirmative defense, or counterclaim, Step 2 moves the Court for an order dismissing Plaintiffs' Third Amended Complaint against Step 2 for lack of personal jurisdiction. The Third Amended Complaint contains almost no allegations to support personal jurisdiction. In the alternative, Step 2 moves pursuant to Federal Rule of Civil Procedure 12(e) for a more definite statement from Plaintiff concerning this Court's alleged personal jurisdiction over Step 2. In support of this Motion, Step 2 relies upon its accompanying Memorandum of Law. Step 2 respectfully requests oral argument on this motion. The estimated time for hearing is 30 minutes.

Dated this 20th day of May, 2011.

SMITH FREED & EBERHARD P.C.

By: /s/ Jeffrey W. Hansen
Jeffrey W. Hansen, OSB #923290
jhansen@smithfreed.com
Joseph A. Rohner IV, OSB #064919
jrohner@smithfreed.com
Email for Service:
Hansen-Service@smithfreed.com
Of Attorneys for Defendant Infantino, LLC

JEFFREY W. HANSEN, OSB #923290
Email: jhansen@smithfreed.com
JOSEPH A. ROHNER IV, OSB #064919
Email: jrohner@smithfreed.com
SMITH FREED & EBERHARD PC
111 SW 5th Avenue, Suite 4300
Portland, Oregon 97204
Telephone: (503) 227-2424
Facsimile: (503) 227-2535

Of Attorneys for Defendant Infantino, LLC

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON

LISA COCHRAN, Personal Representative of
the Estate of Derrik Fowler, LISA
COCHRAN, individually, and JERRID
FOWLER,

Case No. 6:10-CV-06016-TC

CERTIFICATE OF SERVICE

Plaintiffs,
vs.

INFANTINO, LLC; JOHN DOES
DISTRIBUTORS and WHOLESALERS;
STEP 2 HOLDINGS, LLC; MICHAEL
PARNESS; BRIDGET WEISS; MICHAEL
SILBERSTEIN; MARK SILBERTSEIN; and
BURLINGTON COAT FACTORY OF
OREGON, LLC.

Defendants.

I hereby certify that on May 20, 2011, I served the foregoing **DEFENDANT STEP 2 HOLDINGS LLC'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT** on:

Brian Whitehead Law Offices of Brian R. Whitehead, P.C. 1610 12th Street SE Salem, OR 97302 Email: brian@attywhitehead.com Fax: (503) 364-2655 Counsel for Plaintiffs	Eugene H. Buckle Cosgrave Vergeer & Kester, LLP 805 SW Broadway, 8th Floor Portland, OR 97205 Email: ebuckle@cvk-law.com Fax: (503) 323-9019 Counsel for Defendant Burlington Coat Factory
--	---

by facsimile transmission thereof to the number shown above, and

by mailing copies thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.

by electronically filing the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the attorneys listed above.

SMITH FREED & EBERHARD P.C.

By: /s/ Jeffrey W. Hansen
Jeffrey W. Hansen, OSB #923290
jhansen@smithfreed.com
Joseph A. Rohner IV, OSB #064919
jrohner@smithfreed.com
Email for Service:
Hansen-Service@smithfreed.com
Of Attorneys for Defendant Infantino, LLC